



EXPRESS MAIL
ER 668936017 US

Examiner:

In response to the office action of August 23, 2004, please accept the following:

For entry in the case:

- a. (1. - 11.) **That the present application be restricted to Claims 3, 4, 5 and 17.**

It is requested that this restriction be entered in the case. The Examiner has determined that the application included claims that when grouped by the Examiner contained more than one invention. The applicant has elected to restrict the application to Claims 3, 4, 5 and 17 as being one of the groups so designated by the Examiner. The applicant reserves the right to file Divisional or Continuation in Part application or applications including some or all of the remaining claims. No new matter is included.

- b. (12. - 13.) **Amend Claim 5 by deleting “may”, at 5d, and add “is able to” in place thereof.**

It is requested that this amendment be entered in the case. Claim 5 is amended by deleting the term “may” in 5d and substituting “is able to” in place thereof. A marked up version of Claim 5 is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. The Examiner felt that the term “may” was indefinite. Following a telephone conference with the Examiner the substitute language was agreed upon. No new matter is included.

- c. (14.) **Amend Title to read “GOLF CLUBHEAD MARKINGS, METHODS AND TOOLS”.**

It is requested that this amendment be entered in the case. The Title is amended to read “Golf Clubhead Markings, Methods and Tools”. A marked up version of the Title page,

is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. It is respectfully requested that the Title be amended where it appears at other sections or portions of the application. The Examiner has correctly pointed out that the Title should preferably be two to seven words. The amended Title consists of six words. No new matter is included.

d. (15a.) The word “Righ” at BDD 2 of 11 line 14 is not misspelled and is to remain unchanged.

The word “Righ” at BDD 2 of 11 line 14 is not misspelled. “Righ” is a portion of the phrase “RighTee-HeighTee” and is not a separate word. This matter was discussed with the Examiner during a telephone conference and it was agreed that the phrase did not require any change. No new matter is included.

e. (15b-d) Enter Substitute Brief Description Of The Drawings.

It is requested that a Substitute Brief Description Of The Drawings be entered in the case. The Brief Description Of The Drawings is amended to satisfy the issues raised by the Examiner, namely, the statement that begins at BDD 4 of 11 Lines 17-18 with “The following portion ..” has been removed, a brief description for figures 45A and 45B has been added, and Golf Club Head Lower Toe Edge Area is now designated as 107***, and Golf Club Head Lower Heal Edge Area is now designated as 107****. A marked up version of the Brief Description Of The Drawings is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included.

f. (16) Enter Substitute Abstract.

It is requested that a substitute Abstract be entered in the case. The Examiner has

stated that a new Abstract is required and must be presented on a separate sheet, apart from any other text. The substitute Abstract has been prepared on a separate sheet, apart from any other text. The original Abstract as submitted with the application had the Title of the Invention at the top of the sheet. The Title has been removed from the Substitute Abstract. A marked up version of the Abstract is provided indicating portions added, being underlined, and portions deleted, being within brackets, red marking is used in the right margin at the changes. No new matter is included.

g. Remarks and Discussion.

The applicant has restricted the application the Claims 3, 4, 5 and 17. The applicant has removed the word “May” from Claim 5 and inserted the phrase “is able to” in place thereof. The applicant has amended the Title to contain two to seven words. The applicant has not changed the word “Righ” at BDD 2 of 11 line 14 as the Examiner agrees the word is part of a larger phrase. The applicant has entered a Substitute Brief Description of the Drawings that removes the statement that began at BDD 4 of 11 line 11, that includes a description of figures 45A and 45B and that indicates that the Golf Club Head Lower Toe Edge Area is designated as 107*** and that the Golf Club Head Lower Heal Edge Area is designated as 107****. The applicant has entered a Substitute Abstract on a separate sheet apart from any other text. No new matter is included. Reconsideration of your office action is requested.

h. (17-18) Discussion and Response regarding 35 USC 103(a) rejection.

The Examiner cited 35 USC 103(a) as forming the basis for an Obviousness rejection. For the reasons set forth below the Applicant respectfully disagrees with the Examiner. The Examiner rejected Claims 3,4,5 and 17 pursuant to 35 USC 103(a) as being unpatentable over Ryan in view of Jessen and Kobayashi.

The Examiner stated that Ryan “discloses golf club with parallax corrected sweet spot target line markings, a marking existing from a point at the intersection of the face surface and top surface, and lines showing noncorrected target lines and corrected lines. The Examiner references Ryan’s Abstract, Col. 1, Lns. 19-25, and Figures 2, 3, and 5.

The Applicant has carefully reviewed Ryan including the referenced portions and finds that the “lines” on Ryan’s Figs 2, 3, and 5 are in fact not lines that are to appear on the golf club, but rather are references for locating markings 8, 8B, 6 and 6B. The Applicant has also reviewed Ryan’s Figs 2A, 3A and 5A and finds that the “lines shown are not intended to appear on the golf club but rather are references for locating markings 8, 8B, 6, and 6B. Note in Ryan Fig. 5A 8 should be identified as 8B. The use of the word “line” by Ryan in the name of his markings, Sight LINE Device and Impact Marker, is not referring to a line that appears on the golf club but rather the players sight line i.e. 11 as shown in all Figs except Fig. 1, (not marked at Fig. 4). Ryan in his Abstract and thruout the Disclosure makes the analogy of his markings to those in a “rifle sighting system”.

Ryan uses the two markings i.e. Sight Line Device, situated on the top surface of the clubhead with a forward end at the forward edge line formed by the intersection of the clubhead top surface and said clubhead striking surface, and Impact Marker, situated on the clubhead striking surface, to compensate for the combined error created by the players sight line parallax error and the error created by bowing of the shaft during dynamic swing.

Ryan physically relocates the impact center form 6 to 6B due to the bowing of the shaft during a dynamic swing state, wherein 6B is used to derive and identify clubhead markings, impact marker and line of sight parallax correction. The present invention does not consider shaft bowing during a dynamic swing state. The present invention markings are derived from a

static state.

Ryan applies his corrections in a dynamic situation where the clubhead is in motion during the downward swing causing bowing of the shaft. Ryan relocates his Sight Line Device and his Impact Marker for both the Parallax error and the bowing error. The present invention claims markings on the clubhead during a static situation. The present invention does not involve bowing of the shaft.

Jessen does not consider bowing of the shaft or parallax in the disclosure or claims. Jessen does use a line on the face surface which continues on the top surface. However Jessen does not mention, or reference, the Sweet Spot or Center of Gravity of the Clubhead. The guide line in Jessen is used to find the center of the head face, by bisecting the face of the head, not to find the Sweet Spot or Center of Gravity. The markings on the shaft of Jessen are used to determine the angle of the head when making contact with the puck. The idea is to have contact on the line in order to cause the puck to travel in a straight line when struck. The player adjusts the angle of contact by changing the alignment of the player's thumb position on the handle to align with markings on the handle portion of the shank. This causes the player to cant the face of the head. The present invention does not involve a changing of the angle of contact. The present invention has the line on the top surface aligned with the Sweet Spot as adjusted for parallax.

Jessen dynamic swing state does not consider shaft bowing nor parallax in the disclosure or claims. Jessen bisects the clubhead with a line on the top surface and a line on the face to find the center of the head and face, and to align the center of the head and face of the club with the ball. The present invention does not bisect the head nor consider aligning the center of the head and face of the club with the ball.

Jessen does not mention, or reference, a Sweet Spot or Center of Gravity of the clubhead. The present invention locates the Sweet Spot and references all related clubhead markings derived from a static state.

Jessen's markings on the handle, or grip, are used to determine the angle of the head when making contact with the puck. The effort is to cause the puck to travel in a straight line when struck. The player adjusts the angle of contact by changing the alignment of the player's thumb position on the handle to align with markings on the handle portion of the shank. This causes the player to cant the face of the head. The present invention does not involve a changing of the angle of contact.

Kobayashi discloses a golf club head body with a face and a backside. Kobayashi never uses the terms top surface or bottom surface. Further Kobayashi never identifies an intersection of a top surface with a bottom surface. Kobayashi does insert a mass into the golf clubhead to artificially relocate the center of gravity behind the resultant sweet spot. The present invention uses the Sweet Spot of the Club Head without relocating same by artificial means.

Neither Ryan, Jessen nor Kobayashi takes into account the angle of intended use to locate clubhead markings. The angle of intended use is an integral part of the disclosure to locate clubhead markings as claimed in the present invention.

Even if you take Jessen's bisected face guide line as it continues on the golf club head top surface, Kobayashi's weight and apply same to Ryan the result is not the Parallax Corrected Sweet Spot Target Line as disclosed or claimed in the present invention.


No new matter is included.

Reconsideration of your Office Action is requested. All of the foregoing has been accomplished to overcome the Examiner's objections. No new matter is included. It is believed

that the application is now in proper form for the issuance of a Notice of Allowability and such favorable action is requested. Inventor requests the right to submit Corrections making the drawings formal within the time period set upon issuance of the Notice of Allowability.

Dated: November 17, 2004

BERNARD J. PATSKY


By JAMES F. BAIRD
Reg. No. 31,463